The clause as amended was added to the Bill.

Clauses 3 to 7.

The question that Clauses 3 to 7 do stand part of the Bill was put and carried.

Clauses 3 to 7 were added to the Bill.

Clause 8.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I move the following amendment:

> In clause 8, a comma shall be substituted for the full-stop occurring at the end of the clause, and the following shall be added thereafter, namely;—
>
> "and, on the making of such notification, this Act, shall apply accordingly, as if such Provident Fund were a Government Provident Fund and such Company, Municipality or Institution were the Government".

It is only to amplify the existing provision contained in Clause 8. The addition is merely formal.

MR. A. GOPALA MENON: I second it.

The motion was adopted.

The question that clause 8 as amended do stand part of the Bill was put to vote and carried.

The clause as amended was added to the Bill.

Third Reading of the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I propose to move for the third reading of the bill and request that the standing order be suspended and permission granted.

PRESIDENT: Yes.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that in Clause 1, sub-clause (i) the figure 6 may be inserted after 111.

The motion was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I move that the Bill be passed.

The motion was put to vote and passed.

THE TRAVANCORE PAYMENT OF WAGES BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to present the Report of the Select Committee appointed to consider the Travancore Payment of Wages Bill and move that the bill as revised be taken up for consideration.

MR. A. GOPALA MENON: I second it.

The question that the Bill be considered was put to vote and carried.

LIBRARY ARCHIVES Kerala Legislative Assembly

Clause 1.

MR. S. KRISHNA AIYAR (*Nominated*): I move the following amendment:

"In Clause 1, sub-clause (5) add the following: 'subject to ratification by the Legislature.'"

At the outset let me clear a possible misunderstanding that might arise that this means a want of confidence in the Executive. It is not so. As I shall be showing in the course of my speech this is one of the first attempts at Social Legislation in India. Even in British India it has been regarded as purely experimental. I do not know whether there is legislation on the same lines in any other part of the world. Possibly the Legal Remembrancer may be able to give us information during the course of his reply. I understand that in England in the matter of the reduction or regulation of wages of labourers there is one small enactment which is called the "Trucks Act". Though originally the payment of Wages Bill was intended only to include factories, later on mines were also added. It is proposed to be extended to a lot of other institutions. Under Section 2, clause 5, it will be seen "Our Government may after giving three months' notice by notification in Our Government Gazette extend the provisions of the Act or any of them to the payment of wages to any class of persons employed in any industrial establishment." It may be seen that the idea is not to confer absolute powers on the Government but only limited powers which limitation goes to a certain extent into the scheme of the Act itself. For example to pick and choose part and part of the payment of Wages Bill, it cannot be said which class of industrial establishments are sought to be included. Coming again to Section 2, we find mention being made of several establishments to which this Bill might be extended by notification. I shall give one or two examples just to show that this power has to be exercised after careful deliberation and if possible after a lot of investigations and therefore some modifications in the terms of the Bill itself might be necessary. It would not do for the whole of the Bill to be utilised for the purpose of certain establishments. There are establishments and establishments and conditions are different between several establishments and therefore in applying the provisions of the Bill to particular establishments some modifications of the Bill would be necessary. It is not like the ordinary rule-making powers given to Government where Government make rules for the purpose of carrying out Bills enacted by the Legislature. I shall give a few illustrations. Under Section 2, clause 2, certain plantations are sought to be included. Let me refer to tea plantations. Conditions in tea plantations are entirely different from the conditions in factories or mines. Most of these plantations are in remote wildernesses. The difficulty of feeding labour properly has to be met by the managers themselves. If we give them wages in coin or currency notes they will not be able to find their sustenance. I am talking in the interests of the employee and not in the interests of the employer. It is very easy for the employer to give eight annas in cash but the labourers have to walk ten or twelve miles to purchase

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Krishna Asari.]

the necessary provisions and then they will have to pay much more for their rice and provisions. Coming to a concrete portion of this case, almost all tea estates in Travancore issue rice at the rate of 8 edangalis per rupee. That would work out something like Rs. 8½ per bag. The present price may be over rupees ten per bag. When ceremonies arise in the labourer's families, for example when there is a marriage at least rupees five is paid; if a funeral occurs another three or four rupees is paid ; if maturity, another rupees three ; then there is free medical aid and sick diet. The way in which labour is being treated in a tea estate is almost patriarchal. The present rule or the present enactment might put them into the position of mere individual contractors so that the sort of relationship, patriarchal relationship between the employee and the employer is lost. Then again, going into further details, labour in a tea estate is paid in advance before the month is over and rice is issued for his meals. The labourer may appear and work for two or three days. Nevertheless he has to be fed There are several other amenities and perquisites which labour gets from the employer. This cannot be converted into £. sh. d. or Rs. as. p. I am giving these illustrations only to show that it would not do for there are certain conditions to pay certain amount of money which cannot go into the hands of the labourer. Labour has got to be kept, fed and contended. In olden days money had to be taken on the heads of coolies to these tracts and payments made. Advances had to be made at the rate of Rs. 20 to 25 per head. Labour now comes forward voluntarily. Considering all these difficulties it would show that it would not do that the sections of the Bill be utilised for the purpose of a tea estate and it needs modifications and when it comes to the question of modification, the question is whether it would be enough to leave it to the Executive or whether such modifications are to be considered by the Legislature. The Executive cannot be supposed to have sufficient information in respect of all the industries in the State. No doubt at present we have an Executive head who has the fullest possible information. But I doubt whether in the near future, say two or three years hence, we may be able to place the same amount of confidence on the Executive. When we come to the question of modifications that are necessary, when enlarging the scope of the Bill and extending it to other industries, there may be people who may be able to give more points and more information. One thing in Travancore we have not got anything like a Board of Trade or a Board of Industry. There are gentlemen who know diverse aspects of industries and who will be able to throw light. They will be able to give some information on that. There are representatives of diverse coir industries here. It is therefore that I am saying that it would not do for us to think of part of the Bill and without modifications. The matter may be considered more fully by the Legislature. Again when it is intended to extend the provisions of the Bill to other industries, mere notice will not suffice. There is such a thing as

LIBRARY ARCHIVES Kerala Legislative Assembly

prestige in the Executive. Some sort of safeguard becomes necessary. It is only as a safeguard that I propose that the extension of this Bill if thought necessary must be subject to ratification by the Legislature.

MR. P. S. MUHAMED: സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. ഇപ്പോഴം ബഹുമാനപ്പെട്ട മെംബർ ഇവിടെ ചൂണ്ടികാണിച്ചപ്രകാരം ഈ ബില്ല ഇവിടെ പാസ്സാക്കിയാലും ഗവണ്മെൻറിനു അധികാരം കൊടുക്കുന്നതുകൊണ്ട് യാതൊരു ദോഷവും വരാനില്ല. ഈ ബില്ലുകൊണ്ട മുതലാളിക്കോ തൊഴിലാളിക്കോ ദോഷമില്ല. ക്ലിപ്തസമയത്തു കൂലി കൊടുക്കണം, അതു പണമായിട്ടുതന്നെ കൊടുക്കണം എന്നാണ് ഈ ബില്ലുകൊണ്ടാവശ്യപ്പെടുന്നതു്. എന്നാൽ "റീ കംട്ടിവേഷനുള്ള സ്ഥലങ്ങളിൽ പണമായിട്ട കൂലികൊടുത്താൽ സാധനങ്ങൾ കിട്ടാതെ കൂടിക്കാർ വിഷമിക്കുമെന്ന ഒരു സംഗതി ഇവിടെ പ്രസ്താവിച്ചു. എനിക്കു ഇതിൽ പറയുവാനുള്ളതു മലകളിലെന്നല്ല നരകത്തിൽതന്നെയായാലും പണം കിട്ടുമെന്നുണ്ടെങ്കിൽ സാധനങ്ങൾ കൊടുക്കാനുള്ള ആളുകളും വന്നു ചേരും. അതുകൊണ്ട് ആ സംഗതിയിൽ വിഷമിക്കേണ്ടയാവശ്യമില്ല. മുതലാളികളും തൊഴിലാളികളും തമ്മിലുള്ള ബന്ധത്തിനു ഈ ബില്ലുകൊണ്ട് ഒരന്തരം വരുമെന്നും വിചാരിക്കുവാനില്ല. മിക്കവാറും എസ്സ്ടേറ്റ് ഇൻഡസ്ട്രിയെല്ലാം ആർഗനൈസ്ഡ് ഇൻഡസ്ട്രിയാണ്. ഒന്നോ രണ്ടോ ആളുകൊടുക്കുവേണ്ടി ഒരു ജനസമൂഹത്തെ വിഷമിപ്പിക്കുന്നതു ശരിയല്ല. കൂലി കൊടുക്കുന്ന കാര്യത്തിൽ അതു പണമായിട്ടുതന്നെ കൊടുക്കണം; അതു് ആഴ്ചയിൽ അല്ലെങ്കിൽ മാസത്തിൽ ഇത്ര തവണ കൊടുക്കണമെന്നും, ഒരു ദിവസത്തേക്കു ഏറ്റവും കുറഞ്ഞകൂലി ഇന്നതായിരിക്കണമെന്നും മാറും നിശ്ചയിക്കുന്നതിന് ഒരു വിഷമവുമില്ല. അതുകൊണ്ട് ഈ സംഗതി ഗവണ്മെൻറിന്റെ അധീനതയിൽ വിട്ടുകൊടുക്കേണ്ടതാണ്. അല്ലാതെ നിയമസഭയിൽ കൊണ്ടുവന്ന് വാദപ്രതിവാദം ചെയ്താൽ സമയം ദീർഘിച്ചുപോകാനിടയുണ്ട്. ഈ ബില്ലിൽ, ഗവണ്മെൻറിനെ വിശ്വസിച്ചു, ഗവണ്മെൻറിനെ ആശ്രയിച്ചു തൊഴിലാളികളിരിക്കണമെന്ന വ്യവസ്ഥ ചെയ്തിരിക്കയാണ്. അതിനാൽ, ഈ ഭേദഗതിയെ ഞാൻ എതിർക്കുന്നു.

MR. K. DOMINIC JOSEPH (*Vaikom* cum *Kottayam*): Sir, I support the amendment. Very cogent and convincing arguments have been advanced by the honourable member Mr. S. Krishna Aiyar as to why his amendment should be accepted by the House. It has been admitted that there is not even a suggestion that there is want of confidence in the executive. What is suggested is that more confidence should be placed in the Assembly. It should depend upon the verdict of the Assembly as to whether a particular industry should be brought under the purview of the Bill or not.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. S. MUHAMED: അസംബ്ലിയിൽ ആലോചിച്ചാൽ കാലതാമസം നേരിട്ടേക്കുമെന്നുള്ളതുകൊണ്ടാണ് ഈ അധികാരം ഗവണ്മെൻറിൻ നി ക്ഷിപ്തമാക്കണമെന്ന ആഗ്രഹിക്കുന്നതു.

MR. K. DOMINIC JOSEPH: Even that argument cannot stand because this Assembly will meet normally once atleast in four months. So, there will be a difference of only one month, if this amendment is accepted.

MR. S. KRISHNA AIYAR: Question not heard.

MR. K. DOMINIC JOSEPH: I thank the honourable member for the information. My friend Mr. P. S. Muhamed said that the provision to supply rice was being insisted to take advantage of the wages paid to the coolies. That is a very uncharitable interpretation. That shows the ignorance in regard to matters connected with planting conditions in Travancore. For example, several tea and cardamon estates are situated very far from the public roads. Rice and other provisions have to be taken in head loads.

MR. P. S. MUHAMED: കച്ചവടക്കാർ അവിടെ ചെന്നു സാമാനം കൊടുക്കുന്നുണ്ടെന്നറിയാമോ?

MR. K. DOMINIC JOSEPH: The estates are scattered in wildernesses in very many different places. It cannot be expected that traders would go to every estate and have establishments. Further, there has not been any demand from the coolies of the estates for wages being paid in cash. What Mr. Muhamed says may be quite practicable in factories and mines situated in towns like Alleppey. But he is unaware of the conditions that exist in out of the way places.

For these reasons I support the amendment moved by the honourable member.

MR. E. SUBRAMONIA AIYAR (*Nominated*): Sir, the apprehension that the system that is now in vogue, as regards paying a certain amount of wages in the shape of rice and other provisions, may be affected by the extension of this Act to certain plantations and other industrial establishments, is, in my view, not supported by the provisions of the Act. Section 6 says:—

"All wages shall be paid in current coin or currency notes or in both."

Section 7 says, that certain deductions may be made and, one such deduction is for house accommodation supplied by the employer. Another is for such amenities and services supplied by the employer 'as Our Government may by general or special order authorise.'

Explanation—The word 'services' in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment.'

So, taking clauses 6 and 7 together, it appears to me that if the Government after making proper enquiries into the matter deem it fit to extend the provisions of this Act to any particular industry or industrial establishment or group of industrial establishments, they will take into consideration those conditions which may be necessary in the

LIBRARY ARCHIVES Kerala Legislative Assembly

interest of the labourers who are to be paid the wages in current coin or currency. To me it appears that the difficulty contemplated in the matter of the provision in Section 6 that the wages will have to be paid in currency or current notes is not real, and is unfounded. The question is really narrowed. After all, this is not a very large Act. It is an Act, I understand, intended in the interest of a class of people called labourers and to protect them against a class of people called capitalists. Whether such a protection is necessary or not it is no longer open for discussion. It is not my individual view at all. I am not contending that labourers are entitled to protection against capitalists or that capitalists are entitled to protection against labourers. But once the principle of the Bill is accepted and we are thinking of making suitable provisions, this Bill proceeds on the assumption that a group of people are not able to protect themselves and therefore it is an Act passed by the Government to protect them, to insure their interest at least in the matter of getting their wages after the employers have got their labour. So, we proceeded on that assumption. If that be so, if at any particular time Government feel that the protection of this Act must be extended to a group of labourers working in a particular place, I do not see why that power should not be vested in the Government which has initiated this particular Act which, I may say, is a paternal Act. If the extension of the Act, at any particular time, without inviting the opinion of all people, will work hardship upon the class of people for whom this Act is intended, certainly, one must be chary of entrusting that power to a body who may not have all available material before it is done. To my mind it appears that the extension of this provision to any establishment will not affect the labourers. If that be so, whether it should be extended to them is a matter which, according to me, may be left to Government, instead of its being subjected to the consideration of the Legislature on every occasion. Even in graver matters we are trusting Government and Government after all is as much interested in the cause of the labourers, that is the bigger class, as every one of us is. Therefore, in my view, there is absolutely no necessity for not giving full and plenary powers to Government in the matter of the extension of this Act to any class or any group of labourers working in any establishment.

MR. K. A. MUHAMED (*Co-opted*): Sir, I rise to oppose the motion before the House.

First of all let me thank the Government for having nominated a labour representative in connection with this Bill.

With regard to this amendment what I have to say is that here power is to Government to extend the provisions of this Bill to other industries which are not presently affected by this Bill. In this matter the Government is given more power to safeguard the interest of labourers.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. A. Muhamed]

Though this amendment is correct, in principle namely, that the Legislature should be invested with more powers to safe guard the interest of labour here in this Legislature where labour is not at all represented the labour may more believe the Government than the Legislature. That is why I am for giving unfettered power to Government to extend the provisions of this Bill. That is why I oppose this amendment.

MR. D. C. JOSEPH: Sir, in the interests of humanity and in the interests of the poor suffering labourers the paternal Government have brought forward this measure. After hearing my learned friend Mr. E. Subramonia Aiyar, nobody would say that this amendment is necessary. When thousands of labourers are suffering in this State, when they are not fed properly or treated properly, the Government deserve our congratulations for bringing forward this measure. Therefore if any power is given to anybody, it must be to the Government. When persons entrusted with the welfare of the labourers have not the least idea of the suffering of these people, I think a measure brought forward by this Government must be supported by all means. In these days of difficulties due to the war such measures should certainly be supported. Because it is these labourers who mainly shape human destiny in the world. The sufferings of these poor people therefore require the consideration of capitalists. Government must support the labourers as well as the capitalists. I strongly oppose the amendment.

MR. J. W. TOLSON (*The Travancore Planters*): Sir, I would request the House to consider this amendment from another point of view, namely, that the House is attaching.....

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, the member is seconding the amendment now. He must take the permission of the Chair to do so.

PRESIDENT: That is an oversight.

MR. J. W. TOLSON: I think the Travancore Government has made a great mistake in imitating British India in attaching agricultural legislation to industrial. It has been recognised by the International Labour Organisations that there should be different legislation for industry from that of agriculture. In fact the condition of agriculture in this State is entirely different from the condition of industry. I would like the House to consider the amendment from this point of view. One day this question of agriculture labour legislation will have to be taken up.

MR. P. S. MUHAMED: One question. Should there be any provision in the Bill that it should apply only for a particular period of time?

MR. P. KUNJUKRISHNAN (*Quilon* cum *Kottarakara*): Sir, I rise to oppose the amendment. By this amendment power is vested in Government for extending the provisions of this Act to deserving cases. The Act

LIBRARY ARCHIVES Kerala Legislative Assembly

lays down that money should be paid for work done instead of payment in kind. It also says that wages should be paid periodically at fixed times. Apart from that, no other provisions are enacted by this measure. What is now proposed by the amendment is that if Government are vested with this power, certain measures taken by Government may cause hardship to certain industries and industrialists. It has been suggested that if it is extended to plantation labour, that would cause hardship to such labourers as they prefer payment in kind since labourers require food materials which are not easily available in plantations and that traders cannot be expected to go far into the interior of the country to trade with such labourers. I would submit that this is not sound reasoning for opposing this measure. We know that wherever there is demand, traders do go and carry on their business. On that score therefore this measure need not be opposed.

As regards payment of wages itself I shall take a single example from my part of the country namely the Quilon Division. The P. W. D. workmen have a general cry as regards the wages. Their wages are not paid for two or three months together. The poor people do their work but get their remuneration only after two or three months. I am citing this to show how labourers are suffering in different parts of the country for various reasons, especially for the reason that the Acts which have been passed in the Legislature have not been strictly enforced in practice. For these reasons I submit that it is absolutely necessary that the Government be vested with the discretionary power to find out the needs of the labourers in industries not included in this Act so that they may extend the salutary provisions of this Act wherever it is found necessary.

MR. A. K. KUMARAN VAIDYAN : സർ, ഞാൻ മി. എസ്സ്. കുഞ്ഞൻ ഇവിടെ അവതരിപ്പിച്ച ഭേദഗതിയെ അനുകൂലിക്കുന്നു. ഏതെങ്കിലും ഒരു കാര്യം ഈ ബില്ലിന്റെ വ്യാപ്തിയിൽ ഉൾപ്പെടുത്തുന്നതിനു നിയമ സഭയുടെ സമ്മതം അത്യാവശ്യമായി വരുത്തേണ്ടതാണ്. തിരുവിതാം കൂറിലെ അനേകലക്ഷം തൊഴിലാളികളെ ബാധിക്കുന്ന സംഗതി ജനപ്രതി നിധികളുടെ ഇടയിൽ പരിചിന്തനം ചെയ്യ പോകുന്നതു് ഏറ്റവും നല്ല താണെന്നാണ് എന്റെ അഭിപ്രായം. അങ്ങനെ ചിന്തിക്കുമ്പോൾ ഏതാനും തൊഴിലാളികളുടേയും മുതലാളികളുടേയും പ്രതിനിധികൾ ഈ സഭയിൽ ഉണ്ടായിരിക്കുന്നതാണു്. ഇരുകക്ഷികളുടേയും അഭിപ്രായം പറയുമ്പോൾ ഏതാണു സ്വീകാര്യമായിട്ടുള്ളതെന്നു ഗവണ്മെന്റിന് മനസ്സിലാക്കാവുന്നതാണ്. അല്ലാതെ ഏതാനും ചിലരുടെ സ്വാർത്ഥത്തിനുവേണ്ടിയോ മറ്റോ ചില ഉഷ്പ്രേരണകളിൽ ഗവണ്മെന്റു വഴിപ്പെട്ടുപോയേക്കാം. എന്നാൽ ഇപ്പോഴത്തെ ഗവണ്മെന്റ് അതിനു വഴിപ്പെടുകയില്ലെന്നു എനിക്കു ധൈര്യമുണ്ടു.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. S. MUHAMED : ഗവണ്മെൻറിനെ സ്വാധീനപ്പെടുത്താൻ മുതലാളിമാക്കാണോ തൊഴിലാളിമാക്കാണോ അധികം സൌകര്യം?

MR. A. K. KUMARAN VAIDYAN : മുതലാളിമാക്കാണ്. അതുകൊണ്ട് നിയമസഭയുടെ അതിൽത്തിരിൽക്കൂടി കടന്നാണ് ഇതിൻെറ വ്യാപ്തി വരുത്തേണ്ടതു എന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഈ ഭേദഗതിയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. S. CHATTANATHA KARAYALAR : Sir, I wish to make a few observations on the motion. The question is one of Government taking power to extend the provisions of this Act to other industrial establishments than those indicated in the previous sub-clause. In considering these it is necessary to recall the circumstances in which the corresponding British Indian Act came to be enacted. Before the Bill itself was introduced there, a lot of preliminary investigation was made by the Government of India through the various Provincial Governments. Even then they were not satisfied that there was necessity for a Bill of this nature. So they placed all the materials collected before the Labour Commission. On the recommendations of that commission they brought forward a Bill of this nature. That Bill too was thrown out by the Select Committee. Later on a Bill was brought forward and enacted on the lines on which this Bill has been placed before this House. I am only pointing out these facts to show that the Government of India, before they embarked on legislation on the subject, made a thorough and exhaustive preliminary investigation and on the basis of the materials collected they introduced a Bill of this nature. I am suggesting a similar course to be adopted here, in regard to the proposal to extend the provisions.

PRESIDENT : The honourable member may perhaps recollect that in regard to disputes in Alleppey a Committee was appointed and perhaps the report of that Committee was placed on the table of this House.

MR. PUTHUPALLI S. KRISHNA PILLAI : It has been circulated among the members.

PRESIDENT : This is one of the main recommendations of that committee.

MR. S. CHATTANATHA KARAYALAR : I quite see the position that has been presented before the House. What I want to suggest is that when the Government think of extending the provisions of this Act to any particular industrial establishment, an investigation should be made into the condition of that particular industrial establishment. That is the suggestion which I want to make, because conditions in all industrial establishments may not be similar. You cannot make a general proposition and draw an inference from the enquiry or investigation made into the condition of a particular industry. My friend Mr. Krishna Aiyar made specific reference to the conditions obtaining in the tea

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industry in which he is concerned and stated that they were different from the conditions in other industries. All that I want to emphasize is that before Government think of extending the provisions of the Act, they must make an investigation into the conditions of that particular industry. As the clause is now worded, Government may extend the provisions of this Act to a particular industry by giving three months, notice. That means that Government throws the responsibility of placing the view point of a particuiar industry upon the industry itself. I want to reverse that order. I want the Government to take up the responsibility in the matter, make an investigation themselves and then give the three months' notice. That is the suggestion that I want to make. I believe that such a course will be acceptable to the honourable mover of the motion. With these suggestions I support the motion.

MR. K. R NARAYANAN : മി: കൃഷ്ണയ്യരുടെ ഭേദഗതിയോട് യോജിക്കുവാൻ നിർവാഹമില്ലാത്തതിൽ വ്യസനിക്കുന്നു. ഇപ്പോൾ ആലോചനയ്ക്കു വന്നിരിക്കുന്ന ബില്ലു തന്നെ തൊഴിലാളി താല്പര്യങ്ങൾ സംരക്ഷിക്കുവാൻ പര്യാപ്തമല്ലാ. ഇന്നത്തെ നിലയിൽനിന്നും കുറച്ചു മാറ്റം വരുന്നുണ്ടെന്നുള്ളതു് സമ്മതിക്കാം. അതു ആ വിഷയത്തിൽ അവശ്യമുള്ള മാറ്റത്തിന്റെ അംശംപോലുമാവുന്നില്ലാ. ബില്ലിലെ ഫാം വകുപ്പു്, ഇംഗ്ലീഷ് വകുപ്പു പ്രയോഗത്തിൽ വരുത്തുമ്പോൾ (തൊഴിലാളികൾക്കു കുലകൊടുക്കുന്ന കാര്യത്തെക്കുറിച്ചുള്ള ഒരു വകുപ്പു്) നിയമസഭയോടാലോചിക്കണം എന്നാണു മി. കൃഷ്ണയ്യർ പറയുന്നതു്. ഏതും നിയമസഭയുടെ അറിവോടുകൂടി ചെയ്യണമെന്നു പറയുന്നതു് പ്രത്യക്ഷത്തിൽ ശരിയാണു്; തത്വത്തിൽ ശരിയാണു് എന്നാൽ ഇവിടത്തെ നിയമസഭയിൽ തൊഴിലാളി താല്പര്യവും മുതലാളി താല്പര്യവും എത്രമാത്രം താണും പൊങ്ങിയും നില്ക്കുമെന്നു ആർക്കുമറിയാം. തൊഴിലാളികൾക്കു മെമ്പറന്മാരെ തിരഞ്ഞെടുത്തയയ്ക്കുവാൻ സൗകര്യമില്ലാ. അവരുടെ ഭാഗ്യനിർഭാഗ്യങ്ങൾ, രക്ഷാശിക്ഷകൾ, മുതലാളി മനോഭാവമുള്ള മെമ്പറന്മാരിലാണു ഇന്നഷ്ടിതമായിരിക്കുന്നതു്. പ്രാഞ്ചെസ്സിന്റെ സിദ്ധാന്തംതന്നെ കരമൊടുക്കാണല്ലോ. തൊഴിലാളികൾക്കു പ്രാതിനിദ്ധ്യം ഒരർത്ഥത്തിൽ ഒട്ടുമില്ലാത്ത നിയമസഭയോടു്—മറ്റൊരർത്ഥത്തിൽ നാമമാത്രമായുള്ള നിയമസഭയോടു—ആലോചിച്ചു എപ്പോഴും ചെയ്യാവു എന്നു വരുന്നതു ഒരിക്കലും ഗുണകരമായിരിക്കുകയില്ലാ. മുതലാളികൾക്കു ഗവണ്മെന്റിനെ സമീപിക്കുവാനും രക്ഷപ്രാപിക്കുവാനും കഴിയുന്നതുപോലെ തൊഴിലാളികൾക്കു സാദ്ധ്യമല്ലെന്നുള്ളതുകൂടി ഈ പരിതഃസ്ഥിതിയിൽ പരിഗണിക്കേണ്ടതാണു്. ഈ നിലകളിലെല്ലാംകൂടി നോക്കുമ്പോൾ മി: കൃഷ്ണയ്യരുടെ ഭേദഗതി, ശൂന്യമായ തത്വത്തിലാണു നില്ക്കുന്നതെന്നു പറയുവാൻ മാത്രം കാണുന്നില്ലാ. അതിനാൽ ഞാൻ ഭേദഗതിയെ എതിർക്കുന്നു.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. T. KESAVAN SASTRI: സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. ബില്ലിന്റെ പൂർണ്ണരൂപം തൊഴിലാളികൾക്കും മുതലാളികൾക്കും പ്രയത്നക്ക ദോഷമില്ലാത്ത ഒരു രീതിയിലാണ്. അങ്ങനെയിരിക്കെ തൊഴിലാളികളുടെ താല്പര്യങ്ങൾക്കു ഹാനി ഉണ്ടാകാവുന്ന ഒരു ഭേദഗതി ഈ നിയമസഭ അംഗീകരിക്കയും പാസാക്കുകയും ചെയ്യുന്നതു നന്നായിരിക്കയില്ല. ഈ ബില്ലുതന്നെ ന്യായവിദഗ്ധനായ ലീഗൽ റിമെംബ്രൻസർ ശ്രദ്ധിച്ചു തയ്യാറാക്കുകയും സിലക റുകമ്മറ്റി അംഗീകരിച്ചു പാസാക്കുകയും ചെയ്തിട്ടുള്ളതാണ്. ഒരു കക്ഷിയുടെ താല്പര്യങ്ങളേമാത്രം പരിരക്ഷിക്കാൻ തുനിയുന്നതു നന്നായിരിക്കുകയില്ല. അതിനാൽ ഈ ഭേദഗതിയെ എതിർക്കുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. I am afraid, the discussion has wandered a bit away from the cruicial point arising from the motion that has been tabled for discussion. The motion is that Government may exercise the power provided in the clause, that is, of extending all or any of the provisions of the Act to any industrial establishment by giving three months notice, after previously consulting the Legislature. So, the bare question is whether the power which this clause confers, that is the power of extending all the provisions of the Act or some of the provisions of the Act, should be exercisable only with the previous consent of or after previous consultation with this House. Sir, this is not the first legislation of this kind where power is conferred on Government to extend the provisions of the Act to particular areas or particular classes of people or concerns. This sort of power has been conferred on Government from time to time and in the speech delivered by the learned mover of the amendment I have not been able to listen to an argument based on previous sad experiences. If the honourable member were in a position to convince this House that any such power conferred upon Government has been misused, I can understand the honourable member contending that such powers shall not hereafter be exercised by Government except with the consent of this House. I did not hear even a single statement conveying such an idea. Let alone that. Probably the good sense which characterises the honourable member's speeches might have induced him not to make such a statement. But I ask the honourable member, and for that matter every other honourable member of this House, whether there has been a single instance of any power vested with the Government under the provisions of any Act having been improperly used. I will go one step further and cite the provisions contained in the Factories Act. The Factories Act was enacted about a couple of years back and Section 5 of that Act empowers Government to declare certain industrial concerns as factories under the Factories Act.

MR. KANNANTHODATH JANARDANAN NAIR: May I know whether Government have availed themselves of all the provisions of that Act?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLI S. KRISHNA PILLAI: Government are at liberty to declare any industrial establishment as a factory for the purpose of the Act and may by such notification provide that all or any of the provisions of the Factories Act shall apply to such factories. For the purpose of deciding that question, the Government have taken nearly one year and a half and still the question is under investigation. Government have always taken into consideration the good sense of the parties concerned. Here is a legislation which attempts to make equitable adjustment between the employer and the employee. Government have not brought forward this bill without considering all the aspects of the matter. As pointed out by the Chair, a committee was appointed to enquire into the question of wages prevailing in the country and that committee has recorded evidence and submitted a report. One of the main recommendations of the committee is that Travancore should have an enactment similar to the Payment of Wages Act of British India for the improvement of labour in the country. Honourable members might have noticed that even in British India they enacted the legislation only after getting the Labour Commission Report. I have brought the report with me here. It deals with labour conditions in South India also. I am prepared to agree with the honourable member who said that labourers' lot is very favourable in Travancore estates. There are yet certain matters in respect of which improvement is not undesirable. The Royal Commission on Labour has stated in their report that the conditions prevailing even in South India are not quite satisfactory and from my personal experience also I can say that even in Travancore it must be regulated. There can be no doubt about it. Government will extend the provision of the Act only after making the necessary enquiries. The Section itself provides for three months' notice. Mr. Krishna Aiyar said that it is only three months. Does it mean that after three months we shall notify that this Act shall apply? No. "Our Government may, after giving three months' notice————" It may be six months after notice, it may be one year after notice. The only thing is that it shall not be less than 90 days.

MR. S. KRISHNA AIYAR: May I know whether Government is competent to extend the period?

MR. PUTHUPALLI S. KRISHNA PILLAI: Government are not bound. The word used is 'may'. Government would certainly not rush in with the measure and say that they are within their rights.

MR. S. KRISHNA AIYAR: May I know whether Government can give up the idea after giving the notice?

MR. PUTHUPALLI S. KRISHNA PILLAI: Certainly Sir. Suppose Government notify that they propose to extend the provisions in the Act to a particular class of industry after three months. Within the three months representations are received. In view of the representations Government may make further enquiry and if they find that the proposal to apply the provisions of the Act will not be proper, is there anything which could compel Government to

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthupalli S. Krishna Pillai]

extend the provisions of the Act? It merely empowers the Government thus: "Our Government may after giving three months' notice". That is the restriction. There is nothing in the clause which compels them to see that the provision is extended to a particular industry. It merely empowers Government to do it.

MR. S. KRISHNA AIYAR: May I know whether there is any idea of a pre-notification enquiry?

MR. PUTHUPALLI S. KRISHNA PILLAI: As I said, Sir, there are several members here who are of the opinion that the provisions of the Act should straight away apply to several classes of industries mentioned here including plantation. But the Act proposes only the provision that Government shall have the power to extend the provisions of the Act after giving three months' notice. Government are not in the habit of deciding things without proper enquiry. I drew the attention of the honourable members to the provisions contained in the Factories' Act. The rules themselves took six months' time for adoption. Government deputed their own officers and they went to the tea estates and discussed with the managers of those concerns. They went to the Sugar Factory, Cashewnut Factories and as a matter of fact all important industrial interests were consulted by them. Then only were their reports submitted. Government examined those reports and further information was called for. Special representations on the subject were heard. And then after a very careful and thorough examination Government made the rules.

MR. KOTTALIL P. ABRAHAM: Is there any provision in the Act to the effect that the Legislature should be consulted before it was made statutory?

MR. PUTHUPALLI S. KRISHNA PILLAI: I am coming to that. My friend Mr. Krishna Aiyar politely hinted that so far as the present executive is concerned there need be no apprehension. But two years after, the executive may change, he said, and asked whether there was any provision to maintain the present intention. But I say, Sir, that two years after, the Legislature can bring in suitable amendments to the provisions or even they can repeal the whole Act. Then they may provide that nothing shall be done without the previous consent of the Legislature. There is nothing to prevent it. Now let us treat this as an honest trial at least for the next two years. After two years any amendment to the provisions of this Act can be moved by any honourable member in this house. And, I have no faith in the permanency of any legislative enactment. Within the next six months some of the provisions contained in this enactment may have to be amended; and honourable members of this House must be familiar with the procedure now followed by Government. When a change is necessary, an amendment Bill is brought forward. This, Sir, is what the honourable mover intended by the amendment. My opinion is that we must proceed with the adoption of this clause as it stands. It will also be of interest to the honourable members to note that sub-clause 3 of clause 1 corresponds

LIBRARY ARCHIVES Kerala Legislative Assembly

with the similar clause contained in the British Indian Act *viz.*, payment of Wages Act 1936. In exercise of that power the Bombay Government made the provisions of the Act applicable to several industrial establishments in the Bombay Presidency.

MR. S. KRISHNA AIYAR : I should like to know whether the Bombay Government included any new industrial establishment ?

MR. PUTHUPALLI S. KRISHNA PILLAI : The provisions of the Act are extended not only to power using factories but to all industrial establishments ?

MR. S. KRISHNA AIYAR : May I know whether in British India the extension of the provision applies to any industrial establishment other than factories or railways ?

MR. PUTHUPALLI S. KRISHNA PILLAI: The Bombay Government has done that. They have extended the provision to industrial establishments that may be declared as a factory under section 5 of the Factories Act. It has so far not been extended to plantations. My honourable friend stated that Government should have the power of modification. But Government are empowered to extend all the provisions of the Act or some of the provisions of the Act without modification. The only objectionable portion of this Act is, according to my friend, is the provision contained in clause 6 which requires payment to the establishment in coin or in currency notes. And my friend stated that in the hilly tracts the labourer himself would suffer if he is paid in cash and therefore the present practice should continue if Government thought it proper to apply the provisions of the Act to tea plantations. All the provisions of the Act except clause 6 may be made to apply to tea estates. The clause is so drafted as to enable the Government to do this. Though the Royal Commission on labour have recorded their opinion against the practice of giving the labourers rice, there may be estates as my friend pointed out where coolies are treated with a patriarchal affection, regard and respect. This Act is not intended for such estates and such employers. It is meant for employers who do not treat labour in the spirit in which they ought to be treated. Certainly, this Act will not affect adversely when applied to estates owned by Mr. Tolson or by Mr. Krishna Aiyar. But there are persons who may be tempted to exploit labour. And this provision is meant for them. Honourable friend will find that he is undertaking more troubles than are contemplated by this Act, for the purpose of giving satisfaction to labourers. I therefore, oppose the motion.

PRESIDENT : Does Mr. Krishna Aiyar want to press the motion?

MR. S. KRISHNA AIYAR : Sir, the principles involved in this piece of legislation are three fold. It is intended to benefit labour. The first principle is prompt payment and full payment. A line has to be drawn between agricultural labour and industrial labour. Again another line has to be drawn between organised industry and unorganised or casual industry. When this is sought to be extended to industrial establishments other than factories and mines for which it is intended, a good deal of consideration would be necessary. The

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Krishna Aiyar]

industries sought to be roped in have to be consulted and further investigation made. If it be found that extension can be made only with modifications the Government has to drop the idea as under the Bill, the Government has no power to modify but only to apply the provisions of the bill in whole or in part. The House alone have the authority to modify the provisions of the Bill.

PRESIDENT : Have you got more to say ?

MR. S. KRISHNA AIYAR : I might take a few minutes more, Sir.

PRESIDENT : The House will now adjourn to meet again at 2 o' clock.

[The House adjourned at 1 o'clock and reassembled at 2 P. M. with the President in the Chair.]

MR. S. KRISHNA AIYAR : Sir, I was explaining to the House that when the provisions of the Bill are sought to be extended to other industrial establishments, modifications are necessary and that this Bill does not confer power upon the Government to make modifications. The powers taken are only for application of part or the whole of the act but the learned legal Remembrancer in his address told us that the Government is sure to make investigations and all possible enquiries before the Bill is extended to other industrial establishments. I am very thankful for the assurance and even without it I am sure myself, that without proper investigation, Government will not issue any notification of the kind. But when enquiries or investigations are made, if it is found that these provisions cannot be extended to certain industrial establishments without modifications, then what is the remedy ?

MR. PUTHUPALLI S. KRISHNA PILLAI : To amend the Act.

MR. S. KRISHNA AIYAR : I am grateful for that suggestion.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I may be permitted to offer a word by way of personal explanation. What I said was if any provision of the Act was found to be unsatisfactory then that provision will not be extended until it is amended by suitable legislation. That is what I meant.

MR. S. KRISHNA AIYAR : I am again grateful for that. He assures us on behalf of Government that if Government finds that it cannot be extended, Government will not do so. But supposing a contingency arises in future, I do not say at present, that the Bill has got to be extended and extended with modifications. One cannot say that such contingencies will not arise. If such contingencies arise we are left without a remedy. That was the particular aspect of the question that I wanted to place before the House. The scope of my amendment was tried to be belittled by statements of certain honourable members of the House, that I am concerned only with the wages of payment in kind or in cash and not any thing else. I put forward that part of the case only as an illustration, not in any other way. Mr. E. Subramonia Aiyar was good enough to assure us that even the Bill as it is does not say what amount has to be deducted from the wages to be paid. I

LIBRARY ARCHIVES Kerala Legislative Assembly

went through the particular section and the various clauses in the section very carefully and I find amenities only are contemplated and not any amount. I have therefore with great reluctance to differ from him. The other arguments put forward were with regard to the clashes of interest between labour and capital. We are prepared to endorse every part of this Bill in respect of payment in full and payment in cash.

PRESIDENT : The whole point seems to me that the discussion has been really unnecessary. In so far as Government propose at any time to extend the provisions of any portion of this Act to any locality or concern or institution Government would naturally in furtherance of that desire to take capital and labour with them in harmony if possible, conduct the fullest possible investigations before passing orders and those investigations may perhaps be fuller in the nature of things than any discussion conducted here, where labour or organised labour is not very fully represented. It may be, a time may come, when organised labour may be more fully represented than at present in this House, and therefore I may say, without meaning any disrespect towards this House that any investigation by Government is likely in the nature of things to be fuller. If the honourable member still considers that the ratification by the House would be of better advantage, certainly it is left to him to press the amendment.

MR. S. KRISHNA AIYAR : In view of the assurances that the Legal Remembrancer and yourself have given us, I beg leave not to press the amendment.

The question that clause I do stand part of the Bill was put and carried.

The Clause was added to the Bill.

[At this stage the President left the hall and the Deputy President took the Chair,]

Clause 2.

MR. K. G. GOVINDAN (*Pathanamtitta*) : I move that "in Clause 2 delete sub-clause (i) and insert the following instead:—

> "Factory means any premises including the precincts thereof whereon forty or more workers are working or were working on any day of the preceding twelve months and in any part of which a manufacturing process is being carried on or is ordinarily so carried on with or without the aid of power".

This definition of factory is practically the same as the definition of factory contained in the Factory Regulation except for the two changes that I have introduced namely the introduction of the word 'forty' *i. e.*, change of the number to 'forty' and the addition of "without the aid of power". According to the definition of Factory contained in the Factory Act premises including precincts where workers are working and where power is not used would not be factories. So by the addition of these words 'without the aid of power' my object is to include such places where power is not used also within the ambit of factories. The Salt Factories, the cashewnut factories and coir factories

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. G. Govindan]

will not come within the ambit of the present Bill as the Bill stands now. My object is to bring these three kinds of factories, salt factories, cashewnut factories and coir factories also within the ambit of this Act. I do not have at present correct figures regarding the number of workers in the various factories but I understand that the salt factories contain something like 25,000 labourers and the cashewnut factories contain more than 50,000 workers and the wages paid in these factories are not always in money or currency notes. The wages are very often paid in kind. And if this amendment is accepted, then those factories will also come within the ambit of this Bill and then the labourers will be paid only in currency notes or coins. The condition of labour in cashewnut factories is not very enviable. There are various sections, one section being known as the frying section and another section being known as shelling section in the cashewnut factory. In these two departments *i. e.* frying and shelling sections the condition of workers is rather deplorable. Honourable Mr. V. V. Giri, before he became Minister of Labour of the Madras Government, while he paid a visit to Travancore some time back, referred to the condition of the labourers in the cashewnut factories especially in these two departments. They look like practically lepers. But this is not the time or place to refer to all these things, and adequate amendments ought to be made here after in the Factory Act itself. By the second change I only mean to include these three factories and similar factories within the ambit of the Act. And of the other amendment *i, e.*, the change of number from 20 to 40 the consequence is when factories where no power is used are also brought within the ambit of this Act, then there will be a lot of small factories which will be brought under this Act and then the problem of controlling these factories because of the large number will be rather great. So I raise the number to 40 so that the number of factories which are brought within the ambit of this Act is smaller and that the problem of management may be simpler. That is the object of raising the number from 20 to 40. With these observations I move the amendment.

MR. K. A. MOHAMED: I support the amendment. The object of the amendment is just to widen the scope of the definition of factory. Sir, when we heard that the Government is to draft a bill to regulate the payment of wages to the workers, we naturally thought that the recommendations of the Conciliation Board which enquired into the mats and matting industry would be taken into consideration. The Board recommended for the standardisation of wages in different industries and also the advantages of fixing up minimum wages in different industries. But here in this Bill there is no provision to regulate these things. The only effect of this Regulation is whatever the employer has promised to the employee he must pay it up in cash and that too without much reduction. If that principle is accepted, I do not think there will be any opposition from this House to extend the provisions of this Bill to factories where in no power is used. In this connection I beg to read out to the House a few lines from the Report submitted by the Conciliation Board.

LIBRARY ARCHIVES Kerala Legislative Assembly

"Tea and refreshments are also supplied and in a few cases, we came across the practice of issuing 'chits' to barber shops. The owners of these shops need not be paid in cash. The 'chits' of the workmen represent part of the wages due to them; and the barber can get rice and provisions from the factory owner's shop to the extent of the chits in hand. In one instance, the labour representatives alleged that the factory owner, who was also a toddy shop contractor, supplied toddy to his workmen in lieu of wages. This allegation was denied. The practice does not exist now, even if it had existed in the past. *But so long as the system of payment of wages in kind is tolerated, there is nothing to prevent even such infamous practices.*

In defence of the system, some of the factory owners urged:

(i) that the shops serve a real need to the labourers in out of the way places where public shops do not exist; and

(ii) that the workers are not compelled to buy at these shops, for the reason that the shops are a distinct and separate business done by the factory owners and are not meant for the workers.

These arguments are not convincing. As regards the first, there is hardly a factory which is situated so far away from human habitation as to create the necessity of a shop in the neighbourhood of the factory itself. Further, this argument cannot hold good in the case of factories in Alleppey where also the practice prevails to some extent. In our opinion, there is no need at all for a factory owner to open shops to supply the needs of his workmen. We consider that such shops will spring up naturally in response to the demand for them.

In regard to the second argument, it may be true that there may not be any open compulsion by the factory owners; but the employers can indirectly and by subtle means indicate to the workers what they expect of them. The men are needy and the security of their jobs depends on the goodwill of their employers and consequently they are in a way compelled to placate the employers and buy at their shops.

We have carefully considered the merits and disadvantages of the system of payment of wages in kind and we are definitely of opinion that it is open to gross abuses. It places the workmen at the mercy of the employers. Their wages are never settled in full. A sort of running account is kept with each labourer who has no means of knowing the amount of wages earned by him, what he has received as advance in the shape of provisions and what remains due to him. We may observe in this connection that in some of the factories proper wage books and accounts are not maintained. The lot of the labourers in such factories may be easily imagined. The provision shops are often stocked with inferior articles and they are sold at inflated prices. The tea shops are usually miserable hotels where the workmen are given some kind of decoction which is politely called tea. Sometimes the labourers are compelled to take their wages in the shape of provisions when they do not want them. In such cases they are obliged to sell the goods for cash and suffer serious loss. The loss that labour sustained by getting the wages in kind is variously estimated as ranging from 12½ per cent to 25 per cent."

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. A. Mohamed]

From what I have read, the House may be able to appreciate the difficulties felt by the labourers in these districts. It is to regulate their payments that this Bill is introduced and if the definition of the factory is not extended to those concerns where power is not used, no useful purpose will be served by the other provisions of this Bill. The Legal Remembrancer may argue that there may be much difficulties in regard to administration in case these factories are brought into the register and a very considerable amount has to be spent to regulate the provisions of this Act. What I have to submit is any large amount spent for the welfare of the labourers is well spent. The second argument that is brought forth is there is provision in the Bill empowering Government to extend the provisions of the Act. But herein, experience shows that Government have used that power in the Factory Act more to exempt factories that come within the operation of the Act than to declare new factories to come within its provisions. Therefore what I submit for the acceptance of the House is, that the whole merit of this bill depends upon the acceptance of the definition of factories. Any factory where power is used or not should be declared a factory for the purpose of the Payment of Wages Bill. In this connection I beg to refer to the observations made by the Royal Commission of Labour in India.

"Any further labour legislation must be intended to affect factories that are unregulated....." By that I mean there is no use of regulating the wages in factories which have already come under the Factory Act, because in most of these factories wages are regularly paid. There is not much abuse in those factories. If the Aluminium factory, cashewnut factory and salt factory are left out of this Bill no useful purpose is going to be served by this Bill. However I am glad that this Bill has come for the consideration of this House; for though there is no labour representative in this House except myself as such there are many members at present in this House who are directly connected with some of the best trade unions of the State. I am sure that my honourable friends like Mr. S. Narayana Pillai, Mr. Narayanaperumal Nadar and Mr. P. Kunjukrishnan and others will see that this amedment will be surely accepted by this House. I think there is no reason why this House should not not accept the amendment

MR. C. JEBAMONY NADAR: I also support the amendment. I have yet another reason to support the amendment. In the draft Bill mines are not included. But the Select Committee has brought them within the scope of the Bill. In the definition of the word "factory" in "the factories Act", mines are excluded. Of course that follows the provision in the British India Act. But the Bill makes a departure. It would afford better reading if we adopt this amendment because as the Bill stands, when "factories" are defined we say that mines are excluded and in the next clause we say that they are included. Probably the inartificiality arose in this way. When the Bill was drafted the definition of "factory" followed the definition in the Factories Act, but the

LIBRARY ARCHIVES Kerala Legislative Assembly

Select Committee, while introducing a change by the addition of "mines" in a new clause left the existing prior clause defining "factories" as it was. Secondly the Bill primarily intends regulating payment of wages. Hence we should not maintain any distinction between those who work in factories where power is employed and in factories where no power is employed, while regulating payment of wages. In whatever factories labourers are employed, they are entitled to their wages. That being so, I do not see any reason why we should limit the scope of the Act to particular factories and decline relief for many who work in other factories. Now, are we to exclude establishments such as salt factories where a large number of people are working? In South Travancore, these workmen are not properly paid. "The Travancore Times" very often comments upon the lot of the poor labourers in the Salt factories. We see also articles written on this subject in other papers. The poor workers in salt pans are receiving only very poor wages for their work in the hot sun. If the amendment is accepted it is comprehensive enough to include.

MR. M. SIVATHANU PILLAI: May I know whether the honourable member is aware that in certain salt factories power is used?

MR. C. JEBAMONY NADAR: I do not know. Whatever that might be.....

MR. PUTHUPALLI S. KRISHNA PILLAI: What is the power the honourable member means in the definition of the word "factory"? Does it include human power?

MR. C. JEBAMONY NADAR: I was answering only a question, Sir.

MR. PUTHUPALLI S. KRISHNA PILLAI: I am asking the member that question to know whether I should support or oppose him.

MR. C. JEBAMONY NADAR: Here it is not that, but that all the labourers must receive wages in cash or currency notes without making any discrimination whatsoever, between different factories.

MR. M. SIVATHANU PILLAI: I should like to know from the honourable member what the difficulty with regard to the definition of factory is. In respect of salt factory, where power is made use of this definition does not arise.

MR. C. JEBAMONY NADAR: I used the word "power" in the sense of mechanical power.

MR. M. SIVATHANU PILLAI: Do you know that they are using engines for carrying water.

MR. C. JEBAMONY NADAR: That is not a process in the manufacture of salt. Water is being taken by means of engines. Such engines are unconnected with man-power required for the manufacture of salt. You only take water through the help of some machinery. Then only manufacturing process begins and the major portion of the work is done by the people and not by machinery.

MR. M. SIVATHANU PILLAI: The major portion of the work is done by the sun and not by any human being.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR C. JEBAMONY NADAR: Of course the sun is useful. but I do not know whether my friend can use the sun alone to produce salt in a salt factory. If he has got a salt factory he may without employing anybody try to manufacture salt with the power of the sun. Now let us take the case of sugar factory.

MR. M. SIVATHANU PILLAI: My friend is confusing sugar factory with salt factory.

MR. C. JEBAMONY NADAR. I do not forget the difference between sweet and saltish products Sugar factory, though it comes within the definition of "factories" may be exempted under "the factories Act". In such case would it be a factory under this Bill? I doubt. So I am concerned with all factories, salt factories, sugar factories or any sort of factory. If it is a factory and a number of labourers are working there, whether power is used or no power is used, it should be brought within the purview of this Bill, unlike "the Factories Act" which empowers government to exempt some ' from the operation of that Act. My point is, no factory should be placed outside the limit of the proposed statute if it is to ensure prompt and fair wages. With these observations I support the amendment.

MR. P. KUNJUKRISHNAN: Sir, I rise to support the amendment. It is necessary to extend the provisions of this Act to factories run without the aid of power. At the time of the Factory Act there was a suggestion that the definition of factories should be enlarged so as to include factories run without the aid of power also. But some how that escaped the framers. But conditions have become even worse at present. This Act makes provision in a limited sense. It is in regard to the wages alone. If at the time of the Factories Act, this had been included, the effect would have been far reaching. But now, the effect is circumscribed. So my submission is that we can safely adopt this amendment at least on this particular occasion. If we exclude factories which are run without the aid of power, we find that thousands of labourers in cashew, coir and salt factories will have to be left out of the sphere of this Act and they will have to be denied the benefits arising from the provisions of this Act That is certainly not to the interest of labour. We aim at benefiting labour. And if that is the aim of the Bill, my submission is that it is absolutely necessary that this much limited benefit intended by the present Bill may be extended to labourers employed in factories run without the aid of power also.

This morning we heard the honourable Legal Remembrancer saying that Government seldom or never exercised the power vested in them in extending the benefits of factory legislation to factories which have not come within the ambit of factory legislations. That itself, would argue for the acceptance of the amendment before the house. Government can very seldom use their discretionary power.

MR. PUTHUPALLI S. KRISHNA PILLAI: I added the word except after making proper enquiries.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. KUNJUKRISHNAN: Yes; and even after making proper enquiries, we found that the Government, for various reasons, have seldom or never used that discretionary power. So what I would submit is that provision is necessary for extending this benefit to labourers in factories run without the aid of power.

Now, the amendment itself is a very modest one. There is another amendment succeeding this wherein we find that the definition includes factories where ten or more persons are employed. But here the amendment refers only to factories wherein forty or more labourers are working. So, the amendment here is more modest. For that reason also I would submit that there is nothing wrong if we accept the amendment. With these words I support the amendment.

MR. A. K. KUMARAN VAIDYAN : സർ, ഞാൻ ഈ ഭേദഗതിയുടെ തത്വത്തോട് യോജിക്കുന്നു. എന്നാൽ ഇതിന്റെ തത്വത്തോട് മുഴുവനും യോജിക്കാൻ പാടില്ലാത്ത ഒരു സംഗതിക്രൂടിയുണ്ട്. ഭേദഗതിയിൽ ൪൦ പേർ ജോലിചെയ്യുന്ന ഫാക്ടറികളെപ്പറ്റിയാണു പറയുന്നത്. ഫാക്ടറി നിയമം ൨൦ ആളുകൾ ജോലി ചെയ്യുന്ന ഫാക്ടറികളെയാണു ബാധിക്കുന്നത്. അഥവാ ഈ നിയമം ബാധിച്ചാലും ബാധിച്ചില്ലെങ്കിലും ൨൦ ആളുകൾ ജോലിചെയ്യുന്ന ഫാക്ടറികളെ ബാധിക്കത്തക്കനിലയിൽ ഈ ഭേദഗതി കൊണ്ടുവരേണ്ടതായിരുന്നു. ഈ ബില്ലിന്റെ ഗുണം പൂർവ്വർ ഉപയോഗിച്ചും ഉപയോഗിക്കാതെയും ഉള്ള എല്ലാ ഫാക്ടറികളിലേയും ജോലിക്കാർക്കു ലഭിക്കേണ്ടതാണ്. സാമ്പത്തികാധഃപതനം നിമിത്തം വിഷമിച്ചുകൊണ്ടിരിക്കുന്ന ഈ ഘട്ടത്തിൽ നാൽപ്പതാളുകൾ ജോലി ചെയ്യുന്ന ഫാക്ടറികളിലുള്ള വേലക്കാർക്കു മാത്രമേ ക്രൂലി കൊടുക്കുകയുള്ളൂ എന്നു നിർബന്ധിക്കുന്ന ഒരു നിയമം ഉണ്ടാക്കുന്നതു കഷ്ടമാണ്. ഇന്നത്തെ സ്ഥിതിഗതികൾ നോക്കിയാൽ തൊഴിലാളികൾക്കു മുതലാളിമാരിൽനിന്നും വലിയ ആനുകൂല്യമൊന്നും സമ്പാദിക്കുവാൻ ഒക്കുമെന്നു തോന്നുന്നില്ല. അതുകൊണ്ടു ഗവണ്മെൻറ് തൊഴിലാളികളുടെ കാര്യത്തിൽ വേണ്ട ശ്രദ്ധ പതിപ്പിക്കേണ്ടതു് അത്യാവശ്യമാണ്. ഈതിനെപ്പറ്റി ചിലക്കു് ചില ന്യായങ്ങൾ പറയുവാൻ കാണുമെങ്കിലും ഇന്നത്തെ തൊഴിലാളികളുടെ സ്ഥിതിക്കു ഇത്തരത്തിലുള്ള ഒരു ഭേദഗതി രക്ഷാമാർഗ്ഗമായിരിക്കും. തൊഴിലാളികളാണ് ഭാവിയിൽ രാജ്യത്തിന്റെ സകല അഭിവൃദ്ധിക്കും ഹേതുഭൂതന്മാരായി ഭവിക്കുന്നതു്. അതുകൊണ്ടു് ഈ ഭേദഗതിയോടു് മുഴുവനുമായി യോജിക്കുവാൻ എനിക്കു നിവൃത്തിയില്ലെന്നും എന്നാൽ ഭേദഗതിയുടെ തത്വത്തോടു് ഞാൻ യോജിക്കുന്നു എന്നും, പറഞ്ഞുകൊള്ളുന്നു.

MR. S. NARAYANA PILLAI : Sir, I support the amendment. Sub-clause (5) of Clause 1 says—

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Narayana Pillai]

'Our Government may, after giving three months' notice of its intention of so doing, by notification in Our Government Gazette, extend the provisions of the Act or any of them to the payment of wages to any class of persons employed in any industrial establishment or in any class or group of industrial establishments.'

Even though there is the provision enabling the Government to extend the provisions of this Act to factories which are not using power, still in answer to the amendment moved by my honourable friend Mr. Krishna Aiyar, the Legal Remembrancer said that it was not usual to extend the provisions of the Factories Act to factories not governed by the Act. That makes the position a little difficult. It means that the provisions of this Act are not likely to be extended to industrial establishments which do not come within the purview of this Bill. A factory under the Factory Act means an industrial establishment in which twenty or more people are employed and where power is used. Unfortunately, most of the industrial establishments in Travancore are not using power. I may take the instance of the Coir Factories in Alleppey and the surrounding areas and of the Cashewnut factories in Quilon and the surrounding areas.

MR. P. S. MUHAMED : ഇതു അംഗീകരിക്കുന്നപക്ഷം ഫാക്ടറി ആക്ടിൻപ്രകാരമുള്ള പല ഫാക്ടറികളും ഇതിന്റെ പരിധിയിൽനിന്നും വിട്ടുപോകുകയില്ലയൊ?

MR. S. NARAYANA PILLAI : അധികമൊന്നും വരുകയില്ല.

I wish to say that it will not work any hardship to the workers Government appointed a Committee to enquire into the labour situation in Alleppey. The main question regarding the payment of wages was discussed by that Committee. The following charges were made by the labour representatives against the factory owners of Alleppey:—

"(1) that wages are paid in kind,
(2) that they are paid at long and irregular intervals,
(3) that heavy and unjust fines are imposed on the workers on flimsy grounds, and
(4) that the labourers are subjected to various exactions by the factory owners, *moopans* and contractors".

Those were the allegations made by the representatives of labour and the Committee took evidence and recommended that a legislation on the lines of the payment of Wages Act in British India should be introduced in Travancore. I take it that it was as a result of that recommendation that this Bill has been brought by the Government before this House. But it is curious to know that the principal aggrieved parties are excluded from the benefit of the Bill Most of the labourers in Alleppey are employed in coir factories and most of the labourers in Quilon are employed in cashewnut factories. About 18,000 labourers are employed under a single employer in Quilon. That is the case in Alleppey also. Thousands of such employees are denied the benefits which are going to be conferred by this Act. I therefore recommend that the amendment may be accepted by the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. D. C. JOSEPH: I beg to support the amendment before the House. When people other than the labourers are given special treatment, such as the lunatics, the law breakes, the animals in Trivandrum &c., I do not see why these poor labourers, the two-legged animals, who are responsible for a revenue of about Rs. 45 lakhs to the Travancore Government should not be given such a treatment at least.

I want to place all the factories under the purview of the Factories Act. I want to see that the salt factories in South Travancore come under the Act. Though these salt factories are responsible for a revenue of Rs. 45 lakhs a year, the labourers there are not given any consideration at all either by the Labour Commissioner or the Excise Commissioner or the Public Health Director. These people work like two-legged animals from 7 o'clock in the morning till 4 o'clock in the evening in the scorching sun. These coolies prepare the soil, make the pans and manufacture the salt in the sun. It is these coolies that store the salt for one or two years. Now what is their condition? They have not fresh water even to drink. But we see enough water in the ocean. The Health Department has not cared to see whether these human beings have enough drinking water in the factories. The Labour Commissioner goes there and inspects the factories. Still these labourers are treated like beasts and not as human beings. No Excise Inspector is living in the factory premises. There will be only one or two peons for watching the heaped up salt. As a result of the unkind attitude of the authorities and licensees, these labourers are getting all sorts of disease and they have no healthy progeny. As a result in course of time these labour class people will become extinct. Let that alone. What about the payments made to them? Some sort of *Kangani* system is adopted. It is never looked into whether these *Kanganies* are paying the coolies properly. The Salt magnates do not know anything about it. They pay the money and enter it in the account book and they do not care to see whether the coolies are paid properly. This matter has been brought to the notice of Government in season and out of season. In the morning some honourable members were saying that the labourers' interest will be cared for by Government. Here we find that capitalists have their own way. Nobody cares to see whether the poor labourers are being paid regularly or not. More than four or five lakhs of Rupees towards their wages are in arrears. You can get any number of complaints. But who is going to redress their grievances? When they press forward their grievances the situation becomes very bad. If the licensees are pressed for payment they will be able to bring about a critical situation. I wish that honourable members will personally see what is happening in the salt factories. They think that brine is obtained from the sea. It is not so. Brine is obtained from pits refilled with waste water coming from the pans and that water is taken to the pans again. These coolies who manufacture the salts are not being paid at all. That must be brought under this Factory Act. In the interests of these poor people all these factories must be brought under Government control. A separate officer to look into their welfare is necessary. So I very strongly support this amendment,

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MR. KANNANTHODATH JANARDANAN NAIR : I too support the amendment. My work has been lightened to a great extent by honourable members who have already spoken.

What is the origin of the Bill? Government found that the labour situation in Alleppey demanded an enquiry. They appointed an enquiry committee who went into the problem and submitted their report. As has been stated by my honourable friend, Mr. Muhamed, their reports evidenced that the wages paid to the labourers were irregularly paid, that they were subjected to illegal exactions by middlemen and contractors and that the rest of the wages if paid was in kind. The Committee also submitted a draft Bill to meet the situation, and that Bill is now before us. According to the Committee's report a condition precedent to the Wages Bill was a standardisation of wages. It is on the standardisation of wages that the welfare of labourers, industrialists, capitalists and the state depends. Without attending to the standardisation of wages we are now making arrangement to see that what little is paid to the labourers is at least paid to them regularly. We are trying to see that the contractors and middle men do not make any illegal exactions from the labourers. We want to see also that the wages are not paid in kind. In factories situated in the districts, wages are now usually paid in kind, say in the shape of provisions and sometimes even in the shape of chits to barber shops, tea shops and even toddy shops. This can be prevented only if the industry itself is organised. But because it is difficult to get the industries organised immediately, we have adopted this second course, *i. e.*, to regulate the payment of wages by this Bill. Most of the industrialists are carrying on their industries with little or borrowed capital and hence this difficulty in the payment of wages. Because of the want of proper capital there is competition, undue or unnecessary, and consequential under-quoting of prices as also of selling below samples. It is to include these factories too this amendment is moved. If the amendment is not accepted, the factories referred to above will not be penalised for payment in kind, irregular payment and for illegal exactions by *moopans* or contractors. My honourable friend the Legal Remembrancer may say that there is a clause empowering Government to bring within the control of Government any factory after giving three months' notice. I have gone through the Factories Act of 1114. In that Act too I find such a provision. Even though that Act was passed two years ago, I find that the provisions of the Act have not been extended. On the contrary the Sugar Factory at Thuckalai has been exempted from that Act; the Punalur Paper Mill is trying to get exemption from that Act and such other factories also may get exemption likewise. That is the position. The Government situated as they are and constituted on old theories and institutions are custodians of vested interests, "sacred rights" and "inalienable laws;" they are by nature conservative and will have an inclination to the capitalists. To them the labour problems are new and difficult to understand and are sometimes revolutionary. They cannot sympathise with labour. That is probably the reason why Government

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do not want the extention of the Factories Act to the salt factories, to the cashew factories, and factories of the like. At present there is a move on the part of factory owners to work against the extension of the provisions of the law. Leave apart the drive for a general reduction of wages. It is upon the rate of wages depends the welfare of the worker and of the nation of which he is a part. But that is not cared for. What we experience is just the contrary.

In the Ilmenite Factory at Chavara after the advent of Messrs. Hopkins and Williams, there is a deduction of 20 to 30 per cent. of the wages paid to the workers. The committee has reported that during the past decade there has been a general reduction of 20 to 35 per cent. of the wages in all the coir factories. I am not aware of the condition existing in the salt factories in South Travancore. But if I can believe the information supplied by the honourable members coming from that side, I think their lot is much worse. If this amendment is not accepted, the mineral company, the salt factories, the cashewnut factories and the coir factories in the districts near Alleppey will not be included among factories, and the labourers in those factories who at present have real grievance will not get the benefit of this legislation. The effect will be to nullify the benefits of this legislation. So the real question is whether we should negative the effect of this legislation by not accepting this amendment; I am sure we are not for it. Hence I support the amendment and commend it for the serious consideration of the House.

MR. M. SIVATHANU PILLAI: Sir, I think I must speak a few words in connection with this debate. I was rather surprised to find my honourable friend Mr. Jebamony Nadar misunderstand me when I put him some questions at the time he was labouring very hard to differentiate between factories run with the aid of power and factories run without the aid of power. By means of my questions, I only meant to enable him to understand that the salt factories in general, as they are obtaining in South Travancore, can be brought under the purview of this Bill with the definition of the word 'factory' as it stands in the Bill. That position he did not understand and he refuses to understand. In other words if the word 'factory' as defined in the Bill, namely, factories run with the aid of power is adopted, certainly it may be interpreted to cover at least 90 per cent. of the salt factories in South Travancore. That was the attempt that I made. But instead of trying to understand things he retorted, by answering me in the manner that he provoked the impassioned out-burst of Mr. D. C. Joseph to speak on behalf of Labour in the salt factories. Listening as I did to the speeches of the honourable members Messrs. Joseph and Jebamony Nadar I gather that they have the opinion that I have only scant regard for the labourers' hardship and that I am not in favour of the labouring class that are supposed to be suffering in all factories. To one thing I wish to draw the attention of the House. It is true in the Factories Act, there is a definition for the word 'factory' and that is sought to be incorporated in this Bill. But honourable members must bear in mind that there are various responsibilities and liabilities thrown on the owners of factories in the Factories Act whereas in this

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[Mr. M. Sivathanu Pillai.]

Bill the responsibilities and liabilities are not thrown on the shoulders of the owners, at any rate, as we have in the Factories Act. Here we are more concerned with payment of wages to workers. If we are to allow the definition of the word as it stands in the Bill, how will it work in the case of salt factories? 90 per cent. of the factories are run by power in the South Travancore salt factories. I make no distinction between a factory in which power is used in any one stage only and a factory in which power is used for every process of manufacture. I would go even to the extent that if, in a factory, electricity is used for running fans to the employees of that factory, then I will consider that factory to be run by power. In the salt factory brine is drawn by and pumped to the reservoirs and pans. According to me, if power is used in any stage in the production of the article, then I would hold that this clause will be applicable to them. Of course there are very small allams owned individually by 100 or more people. Each man owns only 30 or 40 pans. That is the condition with regard to the old factory. Most of the owners thereof do not themselves produce salt; but they lease it to some labourers themselves. In other factories which comprise extensive areas, machinery is used. If that be so, what on earth can preclude these factories from the definition of the word 'factory'. With regard to other factories, as Mr. Narayana Pillai pointed out, there may be 10 to 15 thousand labourers working there. I find no reason why they should not be controlled by extending the definition to cover them as well. It is in the interest of labour that those factories which command 10 to 15 thousand labourers should be controlled. Even if there is no machinery and if there are such large number of persons employed, it is up to Government to control them. That is why I said that I have no objection to modify the definition of the word 'factory' so that it may be extended to cover such conditions. If the definition of the word 'factory' does not cover such cases, certainly it is necessary to modify it in such a way as to bring in those factories also where a large number of people are employed even though no power is used. With these words I leave the motion for the serious consideration of the House.

MR. P. S. MUHAMED. : ഫാക്ടറി തൊഴിലാളികൾ എല്ലാവരും പവ്വറോടുകൂടി നടത്തുന്ന ഫാക്ടറികളായാലും കൊള്ളാം, പവ്വർ കൂടാതെ നടത്തുന്ന ഫാക്ടറികളായാലും കൊള്ളാം, എല്ലാ ഫാക്ടറികളിലേയും ജോലിക്കാർക്ക് ഉപയോഗപ്രദമാക്കണമെന്നുള്ള ഉദ്ദേശമാണ് ഇതിന്റെ അവതാരകനുള്ളതെങ്കിൽ അതിന്റെ തത്വത്തോട് യോജിക്കുന്നതിന് എനിക്കു വിരോധമില്ല. നാല്പതോ അതിൽ കൂടുതലോ ആളുകൾ നിന്നു ജോലിചെയ്യിക്കുന്ന ഫാക്ടറികളെ മാത്രം ബാധിക്കുന്ന ഒരു ഭേദഗതി കൊണ്ടുവന്നിരിക്കുന്നതിലേക്ക് ഫാക്ടറി ആക്ടിന്റെ നിർവചനപ്രകാരം ജോലി നടത്തുന്ന വളരെ വളരെ ഫാക്ടറികൾ ഈ ബി

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ല്ലിന്റെ പരിധിയിൽനിന്നും പുറത്തു പോകേണ്ടിവരും. അതുകൊണ്ടു് ഈ ഭേദഗതിയെ പാടെ അനുകൂലിക്കാൻ എനിക്കു നിവൃത്തിയില്ല. ഫാക്ടറി ആക്ടിൻപ്രകാരമുള്ളവയെക്കൂടി ഉൾപ്പെടുത്തണമെന്നാഗ്രഹമുണ്ടെങ്കിൽ മി. ജപമണിനാടാരുടെ അഞ്ചാമത്തെ ഭേദഗതികൊണ്ടു് അതു മുഴുവനും സാധിക്കുമെന്നാണു് എനിക്കു തോന്നുന്നതു്. അതിനാൽ ഈ ഭേദഗതിയെ എന്റെ സ്നേഹിതൻ പ്രസ്സു് ചെയ്യുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. P. KUNJUKRISHNAN : ആ ഭേദഗതികൊണ്ടു് കൂടുതൽ തൊഴിലാളികൾക്കു് രക്ഷകിട്ടുമെന്നാണോ മെംബർ വിചാരിക്കുന്നതു്?

MR. P. S. MUHAMED: ഇപ്പോഴത്തെ ഭേദഗതിയെക്കാൾ കൂടുതൽ ഗുണം ഉണ്ടാകും. ഫാക്ടറി ആക്ടിൽ പറയുന്ന പവ്വർ ഉപയോഗിക്കുന്ന വേലക്കാർ കൂടുതൽ കഷ്ടത അനുഭവിക്കുന്നവരാണു്. പവ്വറിനോടനുസരിച്ചു് കൂടുതൽ ക്ലേശം അവർ അനുഭവിക്കുന്നതുകൊണ്ടു് അവക്കു പ്രത്യേകം ചില കരുതൽ വ്യവസ്ഥ ചെയ്യുന്നതും ആവശ്യമാണു്.

MR. P. KUNJUKRISHNAN : കയർ ഫാക്ടറിയിലും കശുഅണ്ടി ഫാക്ടറിയിലും മറും ജോലിചെയ്യുന്നവർക്കും വലിയ കഷ്ടതകൾ ഉണ്ടെന്നറിയാമോ?

MR. P. S. MUHAMED: എനിക്കു് അറിയാൻപാടില്ലായ്കയല്ല. ഞാൻ പറയുന്നതു് പവ്വർ ഉപയോഗിച്ചു് ഇരുപതു് ആളുകൾ ജോലിചെയ്യുന്ന ഫാക്ടറികളെ വിടാൻ പാടില്ലെന്നാണു്.

MR. K. G. GOVINDAN : ആ നിലയിൽ എത്ര ഫാക്ടറികൾ ഇതിന്റെ പരിധിയിൽനിന്നു വിടേണ്ടിവരുമെന്നാണു് മെംബർ വിചാരിക്കുന്നതു്?

MR. P. S. MUHAMED : എന്റെ അറിവു പറയുകയാണെങ്കിൽ ആ നിലയിൽ അനേകം ഫാക്ടറികൾ വരും.

MR. K. G. GOVINDAN : എത്ര എണ്ണം കാണും?

MR. P. S. MUHAMED : അതിനെപ്പറ്റി ഞാൻ അന്വേഷിച്ചിട്ടില്ല. ഞാൻ പറഞ്ഞതരത്തിലുള്ള എല്ലാ പ്രയോജനങ്ങളും ഭേദഗതികൊണ്ടു സാധിക്കും.

MR. KOTTALIL P. ABRAHAM: അഞ്ചാമത്തെ ഭേദഗതിയിൽ Twenty or more എന്നു കാണുന്നിടത്തു് Forty or more എന്നു തിരുത്തിയാൽ പോരെ?

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MR. P. S. MUHAMED : അതിന്റെ ആവശ്യമെന്താണു്? കൂടുതൽ ഉപകാരപ്രദമായ ഒരു ഭേദഗതി ഭാവിയിൽ കിടക്കുന്നതുകൊണ്ടു് ഇതുകൊണ്ടു് ഒരു പ്രയോജനമില്ലാത്ത ഈ ഭേദഗതിയെ ശക്തിയായിട്ടു പ്രസ്സു് ചെയ്യേണ്ട ആവശ്യമില്ലെന്നാണു് ഞാൻ പറയുന്നതു്.

എന്റെ വ്യക്തിപരമായ അഭിപ്രായം പറയുകയാണെങ്കിൽ, ഈ ഭേദഗതി, ഫാക്ടറി ആക്ടിൽ ആണു് കൊണ്ടുവരേണ്ടതു്. അങ്ങനെ ചെയ്യുകഴിഞ്ഞാൽ പൗവ്വർ ഉപയോഗിക്കാത്ത ഫാക്ടറികൾക്കു് അതെങ്ങനെ ഉപയോഗപ്പെടുത്താമെന്നു ചോദിക്കുമായിരിക്കും തൊഴിലാളികളും അവരോടു താല്പര്യമുള്ള തൊഴിലാളി പ്രവർത്തകന്മാരും ഗവണ്മെന്റിനെ സമീപിച്ചു് ഫാക്ടറി ആക്ടിലെ വ്യവസ്ഥ അനുസരിച്ചു് ആ നിയമം വിപുലപ്പെടുത്തി പൗവ്വർ ഉപയോഗിക്കാതെ നടത്തുന്ന ഫാക്ടറി ആക്ടിന്റെ പരിധിയിൽ കൊണ്ടുവരണം. ചിലർ ഇതേവരെ ഗവണ്മെന്റു് ആ നിയമം വിപുലപ്പെടുത്താൻ ശ്രമിച്ചില്ലെന്നു പറയുകയുണ്ടായി. എന്നാൽ തൊഴിലാളികളും അവരോടു താല്പര്യമുള്ള തൊഴിലാളി പ്രവർത്തകന്മാരും അതിനുവേണ്ടി ഒന്നും പ്രവർത്തിച്ചില്ലെന്നാണു്. എനിക്കു പറയുവാനുള്ളതു്.

MR. P. KUNJUKRISHNAN: അഞ്ചാമത്തെ ഭേദഗതിയിൽ പൗവ്വർ ഉപയോഗിക്കാത്ത ഫാക്ടറിയുടെ കാര്യം പറഞ്ഞിട്ടില്ലാ എന്നു മെംബർക്കറിയാമോ?

MR. P. S. MUHAMED : അങ്ങനെ പറഞ്ഞിട്ടില്ലെങ്കിൽ അത്തരത്തിലുള്ള ഒരു ഭേദഗതി കൊണ്ടുവരികയാണു് നല്ലതു്.

MR. P KUNJUKRISHNAN : അങ്ങനെ ഒരു ഭേദഗതി ഇല്ലാതിരിക്കുന്നിടത്തോളം കാലം ഈ ഭേദഗതിയല്ലേ സ്വീകരിക്കേണ്ടതു്?

MR. P. S. MUHAMED : ഈ ഭേദഗതി അംഗീകരിക്കുന്ന പക്ഷം ഒരു വലിയ ഭാഗം ഫാക്ടറികളെ തള്ളിനിറുത്തേണ്ടിവരും.

MR. KOTTALIL P. ABRAHAM : ഈ ഭേദഗതിയിൽതന്നെ Forty or more എന്നുള്ളതിനെ Twenty or more എന്നു തിരുത്തിയാലും പോരെ?

MR. P. S. MUHAMED : എനിക്കു വിരോധമില്ല. അല്ലാതെ ഈ നിലയിലുള്ള ഒരു ഭേദഗതിയെ അനുകൂലിക്കാൻ എനിക്കു നിവൃത്തിയില്ല.

MR. K. KUNJU PANICKER (*Mavelikara cum Kunnatur*) : Sir, I support the motion. In the the matter of payment of wages to labourers, the factories which are run by the aid of power are managed and run on a more efficient scale than the factories which are not run by the aid of power. Inthe latter case, in several cases such factories are run by men with out sufficient means and in such cases the management often send out their cooly

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without giving him proper remuneration. Hence a Bill of the present nature, and its provisions are more necessary to labourers in factories which are not run by the aid of power.

My honourable friend Mr. Muhamed has pointed out that the factories which are employing labourers numbering from 20 to 40 will be excluded by accepting this amendment. It is unfortunate that the mover could not realise the position. The difficulty is that, if this motion is not accepted, there is no motion to fetch the benefit of the Bill to such large number of labourers, say, about 15,000 working in certain factories. As it stands, unless the Chair allows an amendment in the matter, this motion will have to be accepted. With these words I support the motion.

MR. P. S. MUHAMED: നാലാമതെത ഭേദഗതി സ്വീകരിക്കുന്നതിൽ വിരോധമുണ്ടോ ?

MR. M. L. JANARDANA PILLAI (*Nominated*): Sir, I oppose the amendment. The very object of this Bill is to see that all labourers who are employed in every industry are enabled to get their wages enhanced. This amendment, if adopted, will defeat, I am sorry to say, that very purpose. Take as an illustration, the labour condition in Shertallai. There we see scattered over the taluk small factories which employ, 35, 36, 39 or 40 people in a single shed. According to this amendment all those factories which employ labourers up to the scared number 40 need not comply with the provisions of this Bill But all these factories which employ 40 and more will have to comply with the provisions of the Bill.

MR. K. G. GOVINDAN: May I know from the honourable member what will be the number of factories thus excluded from the operation of this provision ?

MR. M. L. JANARDANA PILLAI: The number thus excluded will be more than the number included. Therefore, Sir, as one who is directly in touch with the industry and knowing the methods adopted by the factories who are employers of small or large number of labourers, if this Bill is intended to serve and safeguard the interests of labour, I must strenuously oppose this amendment.

MR. KAINIKARA M. PADMANABHA PILLAI: Sir, I feel that the amendment has been a bit unfortunate. The intention of the mover was evidently to bring within the ambit of the provisions a greater number of labourers. But, as Mr. P. S. Muhamed has clearly pointed out, by increasing the number of employees from 20 to 40, while bringing in factories where power is not used, the mover has left out of the operation of the Bill a number of small factories where power is used and where the number of employees vary from 20 to 40. I do not know what reason prompted the honourable member to make this alteration in the number of employees as it was fixed in the Factories Act. Most probably, because the honourable member thought that he was bringing in a new class of institutions into the factories, he thought that a more liberal number may be fixed for that. But as Mr. P. S. Muhamed pointed out, we have to remember that a labour legislation, especially, a legislation connected with factories was introduced

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[Mr. Kainikara M. Padmanabha Pillai.]

because the problem of labourers in factories employing power was miserable and needed immediate attention. Therefore the exclusion of a number of factories is really a serious matter. Mr. K. G. Govindan asked Mr. P. S. Muhamed what would be the approximate number of factories so excluded. As Mr. K. G. Govindan is the mover of the amendment, I would request Mr. Govindan himself to furnish the information. When he has given an amendment raising the number from 20 to 40, I think that he would have studied the problem more clearly. So I would request Mr. Govindan to help us by telling us the number of factories that would be excluded if this amendment is incorporated into the provision of the Bill. That information is extremely valuable to us. As a member in charge of the amendment I hope Mr. Govindan will help us in understanding this. Another factor which struck me, Sir, is this. As there is a rule that chitties of above rupees 100 should be registered, every chitty fore-man divides the subscribed capital to amounts less than rupees 100 and goes on conducting them unregistered. Thus if the number of employees is fixed and defined, the natural consequence would be that every employer will try to circumvent this law by dividing and sub-dividing the factory. For instance in the case of a coir factory it is easy for any one to put up two sheds and call them two separate factories. One of such factories may be in the name of the husband and the other in the name of the wife, the whole thing being really one and the same. Thus something else is also needed to define what a factory is. Again, Sir, if we are to fix and define a factory depending nearly on the number of employees employed even during one day during the previous year several houses will have to be included among factories for there might be days when more than forty persons are employed in a house say during a marriage or some other domestic function.

MR. PUTHUPALLI S. KRISHNA PILLAI: May I know what is the power needed to run that factory?

MR. KAINIKARA M. PADMANABHA PILLAI: No power is needed here, I am speaking with reference to the amendment. I am really supporting the Legal Remembrancer and he seems to be unnecessarily afraid of me.

PRESIDENT: It is now half-past three and we will now proceed with the Adjournment Motion.

ADJOURNMENT MOTION.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, I rise to move the adjournment motion which reads thus:

> "I beg leave to move for the adjournment of the business of the House for the purpose of discussing a definite matter of urget public importance, *viz.*, the serious situation created by the action of the Public Service Commissioner in having issued memos to the applicants that those who have completed the 35th year of age will not be given any appointment in the Public Service of the State."

Sir, one of the most serious and difficult problems which was attempted in vain by many of the former successive Dewans of Travancore is the problem of recruitment to the Public Service. It is a matter of sincere

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